

## **REMARKS**

The Decision on Appeal dated February 26, 2010, has been carefully reviewed and the foregoing amendment has been made in response thereto. Claims 1-7 and 10-16 were presented for appeal. Claims 1-7, 10, and 14-16 stood rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1-7, 10, and 14-16 stood rejected under 35 U.S.C. §103(a) over “Quick Profits with RFM Analysis” by Arthur Hughes (“Hughes”) in view of U.S. Patent No. 6,925,441 to Jones et al. (“Jones”). Claims 11-13 stood rejected under 35 U.S.C. §103(a) over “Quick Profits with RFM Analysis” by Arthur Hughes (“Hughes”) in view of U.S. Patent No. 6,925,441 to Jones et al. (“Jones”) and further in view of Database Marketing Institute’s RFM for Windows® (“RFM”).

Upon review of the Appeal Brief and related documents in the present application, the Board of Appeals reversed the rejection of claims 1-7 and 14-16 under 35 U.S.C. §101; reversed the rejection of claims 1-7, 10, and 14-16 under 35 U.S.C. §103(a) as being unpatentable over Hughes in view of Jones; and reversed the rejection of claims 11-13 under 35 U.S.C. §103(a) as being unpatentable over Hughes in view of Jones, and further in view of RFM. The rejection of claim 10 under 35 U.S.C. §101 was sustained.

The foregoing amendment requests the cancellation of claim 10 of the present application.

Claims 1-7 and 11-16 remain in the present application and are believed to be allowable.

In view of the foregoing amendments and remarks, it is believed that the application is in condition for allowance. Early and favorable action is respectfully requested.

Respectfully submitted,



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